

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

JOHNNY B. HOLMES,)
v.)
Plaintiff,)
AMERICAN INTERNATIONAL GROUP, INC.;) CIVIL ACTION NO.
et al.,) 3:06-cv-00033-MEF
Defendants.)

JOINT MOTION TO TEMPORARILY STAY THE PROCEEDINGS

COMES NOW Plaintiff Johnny B. Holmes and Defendants American General Financial Services of Alabama, Inc., in and of itself and as successor to American General Finance, Inc., an Alabama corporation, American General Finance Corporation, Merit Life Insurance Company, Yosemite Insurance Company, and Brian Scalf, by and through their undersigned counsel, appearing specially so as to preserve any and all defenses available under Rule 12 of the Alabama Rules of Civil Procedure, and specifically preserving the right to seek arbitration pursuant to 9 U.S.C. § 1 *et seq.*, and hereby jointly move this Court to enter an order temporarily staying the proceedings herein. In support thereof, the Parties state as follows:

The Parties' counsel are negotiating in an attempt to reach an agreed final resolution of both this Action, as well as a number of related actions. In an effort to relieve them of intervening expense while their counsel seek resolution of this and related actions, the Parties jointly move this Court to enter an order temporarily staying this Action.

WHEREFORE, the Parties respectfully move this Court to enter an order temporarily staying this Action and all proceedings and deadlines herein until the earlier of (1) May 2, 2006;

or (2) Counsel for any Party hereto files and serves an instrument entitled "Notice of Withdrawal of Consent to Agreed Temporary Stay Order," service of which shall have the immediate effect of dissolving any temporary stay entered by this Court.

Respectfully submitted,

/s/ C. Lance Gould
C. Lance Gould (GOU007)

BEASLEY, ALLEN, CROW, METHVIN, PORTIS & MILES, P.C.
Post Office Box 4160
Montgomery, AL 36103

ATTORNEY FOR PLAINTIFF

/s/ Matthew T. Mitchell
Robert H. Rutherford (RUT002)
David A. Elliott (ELL027)
Matthew T. Mitchell (MIT050)

BURR & FORMAN LLP
3100 Wachovia Tower
420 North 20th Street
Birmingham, Alabama 35203-5206
Telephone: (205) 251-3000
Facsimile: (205) 458-5100

ATTORNEYS FOR DEFENDANTS AMERICAN GENERAL FINANCIAL SERVICES OF ALABAMA, INC., in and of itself and as successor to AMERICAN GENERAL FINANCE, INC., an Alabama corporation, AMERICAN GENERAL FINANCE CORPORATION, MERIT LIFE INSURANCE CO., YOSEMITE INSURANCE COMPANY, and BRIAN SCALF